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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/972,449

10/05/2001

Thao Hoang

11707

4080

7590

12/02/2003

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EXAMINER

BENTON, JASON

ART UNIT

PAPER NUMBER

3747

DATE MAILED: 12/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

DR

**Office Action Summary**

Application No.

09/972,449

Applicant(s)

HOANG, THAO

Examiner

Jason Benton

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8, and 9 is/are rejected.
- 7) ☐ Claim(s) 4 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott.

The patent by Scott (6,240,909) shows a fuel control manifold with three separate areas. A tank port (436), an engine supply port (456), and a fueling port (458) are located in the upper body area. A shutoff valve (428) is in the upper body area as well. The shutoff valve includes a controllable shutoff valve closure having a shutoff-valve first side in fluid flow communication with the tank port and a shutoff-valve second side in fluid flow communication with the engine supply port and with the fueling port. A defueling port (482) is in a lower body area, a vent port (500) is in the upper body area, and a defuel/vent valve is in the middle body area. The defuel/vent valve has a controllable valve defueling closure having a defueling-valve first side (468) in fluid-flow communication with the shutoff-valve second side and a defueling-valve second side (468-494-468) in fluid-flow communication with the defueling port. A controllable ball-valve vent closure having a vent-valve first side (484) in fluid-flow communication with the shutoff-valve second side and a defueling-valve second side (504) in fluid-flow communication with the defueling-valve second side. The defueling closure and the

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vent closure are mounted on a common defuel/vent valve stem (474). The defueling closure and the vent closure cannot be open at the same time.

The shutoff valve closure is a ball-valve closure. An instrumentation port (460) is in the upper body area, the instrumentation port is in fluid –flow communication with the shut-off valve second side.

The patent by Scott does not require that each of the three body areas are to be separately formed, then attached together. It is the view of the examiner that one integral piece has the functional equivalence of three connected pieces, and that it would have been obvious to anyone skilled in the art to provide it separately if manufacturing difficulties required it.

It is the view of the examiner that the type of valve used is a choice of design because no new or unexpected results are achieved with the ball-valve as opposed to a spool valve.

Claims 10-15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott as applied to claims 1-9 above.

#### ***Allowable Subject Matter***

Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-17 are allowed.

#### ***Response to Arguments***

Applicant's arguments filed 9/08/03 have been fully considered but they are not persuasive. It is the view of the examiner that the patent by Scott can very easily be made in three pieces if manufacturing requirements necessitate it.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Benton whose telephone number is (703) 305-6800. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (703) 308-1946. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-6800-1.



Noah P. Kamen  
Primary Examiner

JB  
December 1, 2003